Remarks

Examiner has issued a demand for restriction and election. Applicants elect claims 1 through 22 for examination. However, the demand for restriction is traversed.

According to the Examiner, claims 1-22 are drawn to location monitoring in a mobile station environment and are classified in Class 455, Subclass 456.1. The definition of Class 455 is subject matter wherein a mobile station identifies and commandeers a channel. The definition of Subclass 456.1 is subject matter including means to determine the position of a mobile station.

Claim 1, for example, can be summarized by the steps of establishing a connection between a mobile device and a transceiver, determining the position of the device and transmitting a request for service to the transceiver, including the position information in the request.

Applicants agree that Class 455, subclass 456.1 is a reasonable classification for claim 1.

Claim 23, for example, can be summarized as a mobile network for transmitting signals between mobile devices and network a server, including a service means for determining the position of a device and means for adding the device position to a request for service from the device to the server.

Both of these example claims focus on determining the position of a mobile device within a network and adding the position information to a request for service that is transmitted from the device to a server. The fact that claim 1 is a method claim and claim 23 is a system apparatus claim is irrelevant to the determination of whether or not they are distinct relative to each other.

The Examiner classifies claim 23 as Class 455, Subclass 414.2, which adds that an additional function includes the access of information unrelated to a call between

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stations. It is unclear to applicants as to why Examiner selects this Subclass and how Examiner interprets the claim to be directed to a function unrelated to the call.

Claim 23 ends with the element

Means for adding said position and accuracy information to said request for transmission to said server.
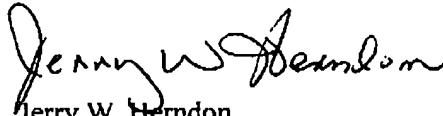
whereas claim 1 ends with

transmitting said request through the network and onward to the service, said transmitted request including position and accuracy information about the mobile device.

It is clear that these elements are directed to the same capability, one being expressed in a method format, the other in a means format. There is nothing in claim 23 that appears to relate to any function unrelated to a call. The same statement is true for claim 1 to the same extent as claim 23, for they are both related to the same capability.

In Paragraph 2 of the Office Action, Examiner attempts to support the demand for restriction by alleging that the service request functions discussed above in the two claims are separately usable. Examiner quotes from claim 23 "adding said position estimate to said request for transmission to said server" as evidence of separate usability (claim 1 includes this information in the request, rather than explicitly "adding" it to the request). But, this is a distinction without a difference. These are nothing more that a restating of capabilities with different words.

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In view of these arguments, it is respectfully requested that the demand for restriction be withdrawn and examination proceed with respect to all claims now in the application as filed.

Respectfully Submitted,

Jerry W. Herndon
Attorney Representing Applicant
Reg. No. 27,901

IBM Corporation
Intellectual Property Law
Department T81/Building 503
P.O. Box 12195
Research Triangle Park, NC   27709

(919) 543-3754
FAX: 919-254-4330
Email: herndonj@us.ibm.com

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